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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,018	06/01/2001	Mitchell T. Berg	29820.6	3220

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EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,018

Applicant(s)

BERG, MITCHELL T.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 25-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 and 35-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group II (claims 11-24 and 35-48) in the reply filed on 01/03/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11-18, 20-24, 35-42 and 44-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Rao et al. U.S. Patent Number: (hereinafter referred to as "Rao".)

4. **Referring to claims 11, 35,** Rao teaches an information processing system, comprising: a first computing device for: through a first local area network [see column 4, lines 55-67

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and column 5, lines 18-25], receiving an information packet from a global computer network [see column 5, lines 18-25, Internet]; and through a second local area network [see column 2, lines 8-26 and column 9, lines 27-67], in response to at least the information packet and a state of at least one of the first computing device and a second computing device [see column 9, lines 27-67 and column 10, lines 61-67 and column 11, lines 1-5], selectively outputting the information packet to the second computing device, such that the output information packet bypasses the first local area network [see column 2, lines 8-26 and column 9, lines 27-67.]

5. **Referring to claims 12, 36,** Rao teaches wherein the first computing device is a network interface card [see column 4, lines 55-63.]

6. **Referring to claims 13, 37,** Rao teaches wherein the information packet originates from a client, and wherein the first local area network is coupled through the global computer network to the client [see column 5, lines 18-24.]

7. **Referring to claims 14, 38,** Rao teaches wherein the information packet originates from a client, and wherein the first computing device is for: through the second local area network, in response to at least the information packet and the state, selectively outputting the information packet to the

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second computing device by outputting an encapsulated information packet to the second computing device, the encapsulated information packet including the information packet and a reference to a data structure of a connection with the client [see column 2, lines 8-26 and column 5, lines 18-24 and column 9, lines 27-67.]

8. **Referring to claims 15, 39,** Rao teaches wherein the reference is included within a single header of the encapsulated information packet [see column 11, lines 51-58.]

9. **Referring to claims 16, 40,** Rao teaches wherein the first computing device is for: through the second local area network, in response to at least the information packet and the state, selectively outputting the information packet to the second computing device for performing an operation in response to the information packet [see column 2, lines 8-26.]

10. **Referring to claims 17, 41,** Rao teaches wherein the information packet originates from a client, wherein the first local area network is coupled through the global computer network to the client, wherein the operation includes outputting a response packet to the client through the first local area network and the global computer network [see column 2, lines 8-26 and column 5, lines 18-24 and column 9, lines 27-67], and wherein the first computing device is for: through the second

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local area network, in response to at least the information packet and the state, selectively outputting the information packet to the second computing device for outputting the response packet to the client, such that the output response packet bypasses the first computing device [see column 2, lines 8-26 and column 5, lines 18-24 and column 9, lines 27-67.]

11. **Referring to claims 18, 42,** Rao teaches wherein the operation is part of a software application [see column 2, lines 40-49 and column 3, lines 27-34.]

12. **Referring to claims 20, 44,** Rao teaches wherein the information packet is addressed by the client to the first computing device, and wherein the first computing device is for receiving the information packet though the first local area network in response to the addressing [see column 28, lines 14-30.]

13. **Referring to claims 21, 45,** Rao teaches wherein the first computing device is for receiving at least a portion of the state from the second computing device though a third local area network [see column 9, lines 8-26.]

14. **Referring to claims 22, 46,** Rao teaches wherein the first local area network includes a hub [see column 2, lines 8-26.]

15. **Referring to claims 23, 47,** Rao teaches wherein the first local area network includes a Layer 2 switch, and wherein the

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Layer 2 switch is coupled through a router device to the global computer network [see column 2, lines 8-26.]

16. **Referring to claims 24, 48,** Rao teaches wherein the first local area network includes a Layer 3 switch, and wherein the Layer 3 switch is coupled to the global computer network [see column 2, lines 8-26.]

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 19 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al. U.S. Patent Number: (hereinafter referred to as "Rao".)

19. **Referring to claims 19 and 43,** Rao teaches software applications to perform operations [see column 2, lines 40-49 and column 3, lines 27-34] however does not set forth the limitation of wherein the software application is a socket application.

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It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of allowing a user (client) to communicate with a server application in client/server networking via the use of socket application. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include socket application to get this advantage.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to redirecting network traffic to the appropriate destination:

Locklear, Jr. et al. U.S. Patent Number: 6,252,878 B1

Egbert et al. U.S. Patent Number: 6,807,176 B1

Shani U.S. Patent Number: 6,023,563

Chow et al. U.S. Patent Number: 6,807,183 B1

Oltman et al. U.S. Patent Number: 6,785,266 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I.

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Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
04/01/2005



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